

AMENDED IN SENATE JULY 2, 2003  
AMENDED IN ASSEMBLY MAY 23, 2003  
AMENDED IN ASSEMBLY MAY 13, 2003

CALIFORNIA LEGISLATURE—2003–04 REGULAR SESSION

**ASSEMBLY BILL**

**No. 1525**

---

**Introduced by Assembly Members Longville and Steinberg**

February 21, 2003

---

An act to add Section 1353.6 to the Civil Code, relating to common interest developments.

LEGISLATIVE COUNSEL'S DIGEST

AB 1525, as amended, Longville. Common interest developments: signs.

Existing law, the Davis-Stirling Common Interest Development Act, defines and regulates common interest developments. Existing law requires that a common interest development have a recorded declaration, which contains, among other items, the restrictions on the use or enjoyment of the development that are intended to be enforced as equitable servitudes. A common interest development may also be regulated by other instruments, such as bylaws and operating rules, which are collectively known as the governing documents, and existing law prohibits restrictive covenants in governing documents that violate specified housing discrimination laws.

This bill would provide that the governing documents of a common interest development may not prohibit posting or displaying of noncommercial signs, posters, *flags*, or banners, as defined, on or in an owner's separate interest, except for the protection of public health or

safety or ~~for the enforcement of~~ if the posting or display would violate a local, state, or federal law. *The bill would permit a common interest development association to prohibit signs, posters, flags, or banners that exceed specified sizes.* The bill would require that an owner of a separate interest who prevails in an action to enforce these provisions be awarded reasonable attorney's fees and costs. This bill would also make a statement of legislative intent in this regard.

Vote: majority. Appropriation: no. Fiscal committee: no. State-mandated local program: no.

*The people of the State of California do enact as follows:*

1 SECTION 1. It is the intent of the Legislature in enacting this  
2 act to provide for all of the following:

3 (a) That homeowners throughout the state shall be able to  
4 engage in constitutionally protected free speech traditionally  
5 associated with private residential property.

6 (b) That owners of a separate interest in a common interest  
7 development shall be specifically protected from unreasonable  
8 restrictions on this right in the governing documents.

9 (c) That a homeowner who is unlawfully prohibited from  
10 exercising these free speech rights shall recover those costs and  
11 attorney's fees incurred in enforcing his or her right to do so.

12 SEC. 2. Section 1353.6 is added to the Civil Code, to read:

13 1353.6. (a) The governing documents, *including the*  
14 *operating rules*, may not prohibit posting or displaying of  
15 noncommercial signs, posters, *flags*, or banners on or in an  
16 owner's separate interest, except as required for the protection of  
17 public health or safety or ~~for the enforcement of~~ if the posting or  
18 display would violate a local, state, or federal law.

19 (b) For ~~purpose~~ *purposes* of this section, a noncommercial  
20 sign, poster, *flag*, or banner may be made of paper, cardboard,  
21 cloth, plastic, or fabric, *and may be posted or displayed from the*  
22 *yard, window, door, balcony, or outside wall of the separate*  
23 *interest*, but may not be made of lights, roofing, siding, paving  
24 materials, flora, or balloons, or any other similar building,  
25 landscaping, or decorative component, *or include the painting of*  
26 *architectural surfaces*.

27 (c) *An association may prohibit noncommercial signs and*  
28 *posters that are more than nine square feet in size and*

1 *noncommercial flags or banners that are more than 15 square feet*  
2 *in size.*

3 (d) In an action to enforce this section, an owner of a separate  
4 interest who prevails shall be awarded reasonable attorney's fees  
5 and costs.

6 ~~(d)~~

7 (e) The Legislature finds and declares that this section is  
8 declaratory of existing law.

